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SIPDIS

DEPARTMENT FOR WHA/CAR (BENT)

E.O. 12958: N/A

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SUBJECT: COMBATING TIP IN JAMAICA: PROSECUTION AND CRIMINALIZATION

REF: STATE 247994

1. Per reftel request, the following text constitutes Post's INCLE-funded anti-trafficking in persons project proposal to G/TIP for funding considering from FY 2005 appropriations. This is a joint proposal with Kingston USAID Mission. Please contact Post (see para 23) for clarification and further detail.

2. Title of Project: "Combating Trafficking in Persons in Jamaica: Prosecution and Criminalization"

3. Name of recipient organization / government agency: International Organization for Migration (IOM), Ministry of National Security (MNS), Ministry of Justice (MOJ)

4. Duration of project: 12 months

#### Project Summary

5. Embassy Kingston and the Kingston USAID Mission have worked closely with IOM, Government of Jamaica (GOJ) agencies, and civil society partners to better understand and respond to human trafficking in Jamaica. Despite increasing awareness of the issue, many law enforcement and judiciary officials lack the necessary knowledge and skills to respond effectively to cases of human trafficking. This project will build on and complement past and present counter-trafficking initiatives in Jamaica through the establishment of a special anti-trafficking investigative unit. IOM will work closely with national partners to establish a specialized unit and provide intensive training, enabling Jamaican law enforcement and prosecutorial structures to act more effectively against trafficking. In addition, the project will assist victims by sensitizing law enforcement to the basic needs of victims. Finally, this project will prepare Jamaica for a more intensive, regional technical training at a future date.

#### Project Objectives

6. Based on IOM's research assessment of trafficking in the Caribbean, and the recommendations that have emerged from consultations with Embassy Kingston, Kingston USAID Mission, the GOJ, and other national partners, this project aims to combat trafficking in persons by strengthening the capacity of Jamaican law enforcement and judicial authorities to more effectively investigate and adjudicate crimes of human trafficking.

7. This project's overall objective is to contribute to the reduction of human trafficking in and through Jamaica through improved prosecution and criminalization. Specifically, the project seeks: (a) to strengthen the capacity of Jamaican law enforcement and judicial authorities to more effectively prosecute and adjudicate crimes of human trafficking; and (b) to increase the number of human trafficking cases investigated and prosecuted in Jamaica.

#### Project Description

8. The level of the trafficking problem in Jamaica requires a dedicated and specialized unit for its investigation and monitoring. This project will focus on the Ministry of National Security's law enforcement officials, including police and immigration officers, as the central core of an efficiently functioning Unit.

9. Establishment of Anti-trafficking Unit: As a first step, IOM will, in close coordination with with relevant Jamaican law enforcement, judicial and government authorities, convene a multi-agency taskforce to work towards the establishment of an anti-trafficking investigative unit. IOM will hold an initial training session on the different international models for specialized investigative units to combat trafficking. IOM will then facilitate the process of selecting a model for Jamaica and adapting it to the local context.

10. Operational Manual: Once the special anti-trafficking unit is in place and has received some basic training, IOM

will work with national partners to draft an operational manual for the unit. The manual will contain operational guidelines, detailing the roles and responsibilities of the unit, guidelines for working with victims, and other specifics. The manual will be firmly rooted in the local context in order to ensure its applicability to the reality on the ground as well as ownership by national partners. Throughout this process, IOM will provide technical support and specialized training opportunities.

**11. Relationship to Other Initiatives:** This project will build on and complement past and present IOM counter-trafficking activities in Jamaica. The specialized anti-trafficking unit will be encouraged to participate in a future Caribbean International Law Enforcement Academies (ILEA) training offering, funded under the auspices of a separate IOM program. Based on IOM's experience in other parts of the world, the skills covered in an ILEA training (victim identification techniques, best practices on how to work with victims and convict traffickers, etc.) will be essential to the fight against human trafficking in the Caribbean. The establishment of a dedicated unit will prepare Jamaica for participation in more intensive, technical training in the future.

**12. Sustainability:** Throughout the project, IOM and Embassy Kingston will work to ensure sustainability through the transfer of counter-trafficking knowledge and skills to national partners, and through the development of networks at the local, national, regional, and international level. Furthermore, IOM will continue to provide support to national working groups as part of a wider group of counter-trafficking initiatives in the region. In the medium-term, IOM would like to provide technical assistance to the GOJ, via that CARICOM Regional Legislative Drafting Facility, in strengthening the laws against trafficking.

**13. IOM's Expertise:** In Jamaica, IOM is currently implementing a capacity building program as part of a larger regional initiative. The initiative includes national research on trafficking in persons (including a comprehensive legal review), a series of national and regional capacity building events, and a regional awareness-raising information campaign. In Jamaica, IOM has trained over 100 individuals on the distinction between human trafficking and smuggling, victim identification, and victim assistance programs. As part of IOM's support to Jamaica's response to trafficking in persons, IOM trained a specialized technical group on outreach and information and awareness-raising strategies for counter-trafficking. IOM has also been working closely with Embassy Kingston and the Government of Jamaica on migration management issues. Reducing irregular migration is an important part of this program. For all of the above, IOM is uniquely qualified and situated to contribute to the efforts to combat trafficking in Jamaica.

#### Performance Indicators

**14.** As part of the ongoing evaluation of this project, IOM and Embassy Kingston will measure and report performance indicators. For training events in particular, pre- and post-assessment questionnaires will be administered to measure changes in knowledge and capacity as a result of the training. Finally, the most important indicator for this project is an increase in the number of investigations and prosecutions of traffickers in Jamaica. Every effort will be made to report progress in this area, though the full impact may not be evident in the short term.

- Multi-agency taskforce established on human trafficking and law enforcement
- Anti-trafficking investigative unit established
- Operational manual on human trafficking developed
- 50 law enforcement and judiciary officials trained in Jamaica on the application of legal provisions against trafficking
- 50 law enforcement and judiciary officials sensitized during national trainings

#### Evaluation Plan

**15.** Monitoring and evaluation will be an ongoing activity throughout the project implementation, to ensure strict adherence to program parameters at all times. This project includes an internal monitoring system to determine progress being made, to identify challenges and appropriate responses, and to indicate possible future interventions. This project also includes an internal evaluation system in order to measure the progress towards specific project objectives and assess the effectiveness and impact of project activities. Reports will be prepared by IOM and Embassy Kingston on a quarterly basis.

#### Project Background

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16. Jamaica is a Tier 2 Watch List country of internal trafficking of children for sexual exploitation (see 2004 Trafficking in Persons Report for details). IOM, together with the Inter-American Commission of Women of the Organization of American States, has been working closely with governments in the Caribbean to support their response to trafficking. This regional initiative includes capacity building, information and awareness-raising activities, and research in Jamaica. IOM has been conducting general training and awareness-raising activities on trafficking in persons to mixed audiences in Jamaica, including some law enforcement officials.

17. Despite increasing awareness about the problem of human trafficking, many GOJ officials, particularly within law enforcement agencies, still lack the necessary knowledge and skills to respond effectively to trafficking cases. Though Jamaica has signed and ratified the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, there is no specific legislation criminalizing trafficking. However, other existing criminal provisions do exist in Jamaica that could be used to fight trafficking, such as the recently passed Child Care and Protection Act. Designed to fully implement the provisions of the Convention on the Rights of the Child, portions of this law could improve the identification of child trafficking by law enforcement and social workers. Preliminary research has also identified other existing criminal provisions related to one or more elements of the trafficking process that could also be used to fight trafficking in Jamaica. In the medium-term, IOM would like to provide technical assistance to the GOJ to consolidate the various pieces of legislation relating to trafficking and generally strengthening the law in this area.

18. Embassy Kingston and IOM have been working closely with the Government of Jamaica, particularly the Ministry of National Security, on a comprehensive capacity building for migration management program. This program included the establishment of automated entry and exit immigration controls, controls at ports of entry, extensive training, and the review of national immigration legislation. A critical component of this effort is the reduction of irregular migration, including human trafficking. During preliminary discussions, the Government of Jamaica has shown interest in establishing an anti-trafficking unit. This project will bring the necessary technical expertise to support the establishment of a specialized investigative unit in Jamaica to build the capacity of Jamaican law enforcement to prosecute and criminalize trafficking in persons.

#### Budget Breakout

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19. The estimated total cost to implement this project is US\$ 201,520. Please see the budget summary below for more details. Items marked with an asterisk below are areas for priority funding.

#### Project Operations COSTS

Specialized Investigative Unit and Law Enforcement Training	
--In-country technical advisor (9 months)*	\$120,000
--Capacity building and training*	\$20,000
--Infrastructure support (computers)*	\$10,000
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SUBTOTAL PROJECT OPERATIONS	\$150,000
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#### STAFF & OFFICE COSTS

Staff Costs	
--Project Specialist (IOM) 50%	\$12,000
--Support Staff	\$6,000
--Training	\$2,000
Office Costs	
--Communications*	\$6,000
--Vehicle*	\$12,000
--Rent*	\$6,000
--Equipment*	\$2,000
--Overhead	\$5,520
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SUBTOTAL STAFF & OFFICE COSTS	\$51,520
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GRAND TOTAL	\$201,520
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#### Host Government Contribution

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20. The Government of Jamaica will actively support the project through the provision of logistical support and through the identification of relevant staff to participate

in the multi-agency taskforce and to be members of the anti-trafficking unit. In doing so, the GOJ will designate an anti-TIP champion to raise the awareness of trafficking within the administration.

¶21. As possible depending on resources, Caribbean NGOs -- including current Kingston USAID partners -- providing shelter, basic needs assistance, medical and psychological care, and skills training will support the project through participation in national and regional events, and by extending assistance in their particular areas of specialization to victims of trafficking referred by IOM. Proposed funding mechanism

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¶22. IOM Kingston will provide overall coordination of the project, including projected staff costs, as identified in the budget breakout above, and will coordinate all financial reporting, monitoring, and evaluation at 6-month intervals. IOM Headquarters in Geneva, particularly Counter-Trafficking Services, will provide technical inputs and participate in trainings as appropriate. OAS headquarters in Washington may provide a training session and/or project support staff. Embassy POC  
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¶23. Embassy POC is Geoff Siebengartner, the Political Officer responsible for trafficking issues. Contact details are email: siebengartnergc@state.gov; telephone: (876) 935-6086; and fax: (876) 935-6029.  
COBB